

Approved 2/7/07

**TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
January 3, 2007**

Board Present: Bob Ellis, Evelyn Kalloch, Arthur Kiskila, Frank Muddle, Dan Remian and Recording Secretary Crystal Robinson

Absent: CEO Scott Bickford

1. Call to Order: Chairman Remian called the meeting to order at 7:05 pm and a roll call was taken.

2. Communications: The chairman read part of a letter from Secretary Deborah Sealey in which she asked for clarification as to how much detail the PB wanted in its minutes. The Board agreed they did not want minutes as long as those of 12/6/06. The chairman suggested that motions and actions should be included, as well as summaries of discussions. Mrs. Kalloch said the tape was available for details. Mr. Muddle said he felt that the person writing the minutes had to be able to summarize. Mrs. Robinson said she would summarize in the future. Mr. Remian suggested a better recorder was needed.

3. Minutes of 12/6/06: The members said a blank on Page 2 of the minutes should read "RP" and agreed with the secretary that references to "G(J)" etc. on Page 10 should be "15(J)" etc.

ACTION: Mr. Ellis made a motion, seconded by Mrs. Kalloch, to accept the minutes of the 12/6/06 meeting as corrected.
Carried 5-0-0

4. Correspondence: The PB had a copy of a letter, dated 12/23/05, from Rich Baker of DEP to CEO Bickford. Mr. Baker asked if a formal application had been brought to the PB regarding clearing for a proposed road that had occurred in RP within Meduncook Plantation Subdivision [MPS]. He also asked if the PB had reviewed other more appropriate sites for the road, such as extending the road between Lots 8 & 9. Mr. Remian said the CEO would answer this letter.

5. Amendment to Meduncook Plantation, Lot #26, Map 5, portion of Lot 84: Mr. Tower had submitted a new drawing showing cross-sections, but the chairman said some information was missing again. At the last meeting the PB had given the developer a list of items they wished to see on the drawing: only the cross-sections had been provided. After a year of working on this application, the chairman said, the omissions continued. Attorney Wayne Crandall, representing Mr. Tower, said his client thought the plan had to be amended by deleting reference to the driveway accessing three lots. As regards storm water runoff, Mr. Crandall said that the DEP application, of which the PB had copies, depicted that data in detail and said the PB had indicated that a condition of approval of Lot 26 was DEP's approval. Mrs. Kalloch and Mr. Remian said they had not seen copies of the DEP application, though they did have a copy of DEP's conditions of approval, which Mr. Crandall said included a finding that the storm water runoff design was satisfactory. Mr. Ellis stated that Cushing's Subdivision Ordinance [SO] required such information be submitted on the plan. Mr. Crandall said the documentation to comply with SO Subsection 7.16 would be submitted before the next PB meeting and asked that he be informed if it was not complete.

The chairman said culverts were not shown and common areas were not delineated on this plan. He noted discrepancies between plans in relation to the terms "retained land" and "common area" and said it must be clarified. Mr. Remian said the state had also asked that 4.77 acres be set aside as a conservation easement and this was not shown. This easement was to include part of the Resource Protection [RP] area, which Mr. Tower had also agreed to show in its entirety. Mr. Remian said a similar situation in the Hornbarn Hill Subdivision had led to lots containing RP being sold and he did not want that to happen again. Mr. Ellis said the applicant had also agreed to provide on the plan the turnouts, the house footprint, the correct acreage and the driveway, which he had not. Mr. Remian stressed that the application and the drawings differed considerably. Mr. Crandall agreed that the plan the PB signed would be controlling and the chairman said the permit should be redone as a corrected application. Mr. Ellis said the Board had agreed that the building footprint should not be shown on the SO plan but on the Shoreland Zone Ordinance [SZO] application. Mr. Remian confirmed to Mr. Crandall that the Board wanted a

corrected SZO building use permit application. Mrs. Kalloch said she wanted to see a corrected application for Lot 26, as well.

Mr. Crandall asked if the RP zone was to be treated as common land in addition to the 4.77 acres. Mr. Remian confirmed this and said the conservation easement should also be depicted on the drawing. Mr. Crandall asked if there had been a commitment as to the use of the common land. Mr. Remian said it had been committed to the homeowners' association, with the state an additional beneficiary; this should have been filed with the Registry of Deeds within thirty days of DEP approval. Mr. Crandall confirmed that the PB wanted the plan to show the common area and all 2.3 acres of RP (shown cross-hatched) designated by Gartley & Dorsky.

Mr. Remian said Mr. Tower had provided cross-sections of the roads. However, the applicant's December 2005 letter had said the road would be on bedrock with no fill and this plan showed cuts and a lot of fill near a sensitive area; he wanted this to be clarified. Mr. Ellis said that road standards 15(G)(5 thru 9) had been approved conditional to seeing them on a drawing and asked the chairman if he felt they had been met with these drawings. Mr. Remian said they had not. The chairman suggested tabling this item and Mr. Crandall reviewed with the Board what it wanted on the drawing. Mr. Remian clarified that Gartley & Dorsky surveyed only 2.3 acres, though RP continued beyond that, and a DEP application showed 4.77 acres as set aside, as did the 1/25/06 plan.

Mr. Ellis said that RP should be depicted wherever it existed in the subdivision. In addition, they wanted the plan to show everything requested at the December meeting, as detailed in the minutes. Mr. Crandall said he would provide a corrected SZO application, showing the building footprint, the driveway, and the property lines. He would also provide a drawing, as outlined on Page 10 of the 12/6/06 minutes, which reconciled the issues of the scope of the fill and the standards of Subsection 15(G).

Mr. Remian asked if the boulders on the north side of the road could be replaced by a wooden guardrail system. He said the area was steep and contained a hairpin turn near a sensitive area. Mrs. Kalloch also said the access to 2, rather than 3, lots should be clarified. Mr. Ellis said he thought that issue was unresolved. Mr. Remian said the application showed a driveway to Lot 26, but much discussion had since ensued on that subject. Mr. Ellis said it would be prudent for Mr. Tower to show whether it would be a road or a driveway. Mr. Crandall said the third lot's access had been removed and the minutes indicated that was what would be approved. He said Mr. Tower had told him today that it would be a driveway to two lots.

Mr. Remian asked Mr. Kiskila if he was satisfied with the fire protection note on the plan and the Fire Chief said he was. The chairman then advised Mr. Crandall that the plans should be submitted in advance of the 15-day deadline so any omissions could be corrected.

ACTION: Mrs. Kalloch made a motion, seconded by Mr. Muddle, to table this item until corrected submissions were received.
Carried 5-0-0

6. Meduncook Plantation Subdivision, Lot #26, application for land use permit. (Planning Board may determine Items 1 and 2 simultaneously):

7. Application for Robbins Mountain Subdivision, Revision of Plan, Map 5, Lots 84, 85 and 86: Mr. Crandall said that Becky Maddox of the DEP had received requests for modifications to her drafted approval of the Robbins Mountain Subdivision [RMS]. He said Mr. Tower should have approval from DEP within a week and felt the RMS should be continued until the DEP approval.

Mr. Remian said the Board had asked for a financial status statement and had received a letter that appeared to be an extension of a loan; this letter was not sufficient. Mr. Crandall responded that Mr. Tower's ownership of 55 lots and sale of some of those should be sufficient to prove his financial capability. Mr. Remian said the letter was merely a consent agreement. Mr. Crandall asked if a letter from the bank attesting to Mr. Tower's financial capability to complete the project would be sufficient. Mr. Remian said it would as long as it specifically mentioned the RMS.

The chairman said the RMS application was tabled at the request of the applicant.

Mr. Ellis said this meeting had shown how important the detailed minutes had been, as they had been referred to several times this evening.

8. Adjournment: Mr. Ellis made a motion, seconded by Mrs. Kalloch, to adjourn the meeting at 8:17 pm.
Carried 5-0-0

Respectfully submitted,

Deborah E. Sealey
Writing Secretary